UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,620	09/27/2001	Rajeev Grover	10011083 -1	4790

7590   06/26/2006

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER
GILLIS, BRIAN J

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 06/26/2006

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PTO-90C (Rev. 10/03)

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/966,620
Filing Date: September 27, 2001
Appellant(s): GROVER ET AL.

Tuan V. Ngo
<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 7, 2005 appealing from the Office action mailed August 10, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| 6,385,648 | Philippou et al | 05-2002 |
| 6,782,474 | Ylonen | 8-2004 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-7, 9, 10, and 12-23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Philippou et al (US Patent #6,385,648) in view of Ylonen (US Patent

#6,782,474).

Claims 1, 15, 16, and 19 disclose a method for configuring a first parameter to a

first device, comprising the steps of: providing a network communication channel

connected to the first device and to a configuring machine (In Figure 2, Philippou et al

teaches of a box and a configuring box connected together through a network.); from

the configuring machine, sending the first parameter and a device's identifier to the

communication channel (Philippou et al teaches that an initialization message is

broadcast by the configuration utility with a unique identifier (column 5, 48-50).);

acquiring the first parameter upon identifying the device's identifier on the

communication channel; configuring the first parameter to the first device (Philippou et

al continues by teaching the initialization message being received by the correct device

and continues to configure information to the first device (column 5, 50-60).); and

turning-off a feature to configure the first device until the first device is in an un-

configured state; wherein the first device is embedded in a second device and provides

administrative capabilities to the second device.   (Philippou et al discloses that the first

device will interface with external systems or boxes in turn providing administrative

capabilities to, tools managing a, and providing interactions between a second and a

third device to a second device. Philippou et al also states that network interfaces may

be considered part of the computer system (column 3, 43-53)). It fails to teach of turning off a feature to configure the first device until the first device is in an un-configured state. Ylonen teaches of disabling listening for configuration packets once it has been configured which provides a turning off feature (column 8, 66-67, column 9, 1-9).

Philippou et al and Ylonen are analogous art because they are both related to network configurations.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the disabling feature in Ylonen with the method in Philippou et al because configuration data can be loaded in a reliable manner (Ylonen, column 2, 58-63).

Claims 2, 18, and 21 disclose the method of claims 1, 16, and 19 wherein the first device further provides console capabilities to the second device. Philippou et al discloses a network interface, which is part of and can be embedded in the first device and can provide console capabilities to the first device (column 3, 43-50).

Claim 3 discloses the method of claim 1 wherein the step of sending comprising the steps of: sending the first parameter to a table in the configuring machine; and obtaining the first parameter from the table. Philippou et al shows in Figure 4, a table, which holds the information for the network it has configured and sends information from this table to the devices.

Claims 5, 17, and 20 disclose the device's identifier is a media access control of the first device. Philippou et al discloses a unique identifier, which includes a serial

number (column 3, 16-18). It is widely known that the media access control address is

a unique device identifier.

Claim 6 discloses the method wherein the first device performing the step of

acquiring the first parameter. Philippou et al, shows of the network interface

communicating with external systems and boxes (column 3, 48-50).

Claim 7 discloses the method wherein the step of acquiring comprises the steps

of: the second device obtaining the first parameter, and acquiring the first parameter

from the second device. In Philippou et al they state that the computer system may

include the network interface as part of the system, which would allow the second

device to obtain, the first parameter and the first device acquire the first parameter from

the second device (column 3, 49-53).

Claim 9 discloses the method of claim 1 wherein the first device communicates

with the second device via an interconnect selected from a group consisting an input

output interconnect, a peripheral component interconnect bus, an industry standard

architecture bus, an extended industry standard architecture bus, an infini band, and a

personal computer memory card international association standard. Figure 3 of

Philippou et al discloses the second device being part of a bus which is widely known to

consist of an input-output interconnect, a peripheral component interconnect bus, and

industry standard architecture bus, an extended industry architecture bus, an infini band

and a personal computer memory card international association standard.

Claim 10 discloses a method of claim 1 wherein the device identifier is selected

from a group consisting of an internet protocol address of the second device, a media

access control address of the second device, and an asynchronous transfer mode

address if the second device. Philippou et al discloses that the unique identifier

includes a serial number of the box, which is the second device (column 3, 16-18). It is

widely known that the three options are well known unique identifiers.

Claim 11 discloses the method of claim 1 further comprising the step of inhibiting

future configurations to the first device until the first device is in an un-configured state.

In Figure 5, Philippou et al shows that at the end of the initialization procedure the

procedure will end until the device is in an un-configured state.

Claim 4 discloses the method of claim 3 wherein: the first parameter is an

internet protocol address; an address resolution protocol command sending the internet

protocol address to the table; and a packet internet groper protocol command obtaining

the internet protocol address from the table. In claim 4 Philippou et al teaches of the

limitations of claim 1, 2 and 3 as recited above (figure 2 and 4, column 3, 43-50, and

column 5, 48-60). It fails to teach of a packet containing a parameter and a command.

Ylonen teaches of a packet with a parameter and commands (column 7, 20-29).

Philippou et al and Ylonen are analogous art because they are both related to

network configurations.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use Ylonen configuration packet structure and adapt it to work with the

method of configuring a first device as taught by Philippou et al because a fast and

effective way to send configuration data over the network to the unconfigured device is

achieved.

Claims 12 and 22 disclose the method of claim 1 further comprising the step of

configuring a second parameter to the first device, the second parameter being sent

with the first parameter in a packet. In claim 12 Philippou et al teaches all the limitations

of the claim 1 as recited above (figure 2, column 3, 43-50, and column 5, 48-60). It fails

to teach configuring a second parameter to the first device and having the second

parameter sent with the first parameter in a packet. Ylonen teaches a configuration

packet, which may typically contain various parameters such as the device's IP

address, netmask, default gateway, the management station's IP address, and device

identifier (column 7, 20-29). Philippou et al and Ylonen are analogous art because they

are both related to network configurations.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use Ylonen's teaching of having multiple parameters sent in the packet

and adapt it to work with the method of configuring a first device as taught by Philippou

et al because information is provided to the device that is being configured to be able to

validate that the data being sent is for the correct machine and is coming from the

correct management station. This would provide a more efficient way to configure

remote devices with less user interaction.

Claim 13 and 23 disclose the method of claim 1 further comprising the step of

sending a command with the first parameter in a packet, the command being executed

in the first device. Philippou et al teach all of the limitations of claim 1 as recited above

and also having the first device execute instructions (figure 2, column 3, 43-50, and

column 5, 48-60). It fails to teach sending a command with the first parameter in a

packet. Ylonen teaches of a configuration packet, which will typically contain the new device's device identifier, the device's IP address, netmask, default gateway, and the management station's IP address and device identifier and/or public key. It may also contain information for setting up verification of the packet from the correct management station (column 7, 20-29).

Philippou et al and Ylonen are analogous art because they are both related to network configurations.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Ylonen's teaching of including the public key in the configuration packet and adapt it to work with the method of configuring a first device as taught by Philippou et al because a method is provided to the device that is being configured to be able to validate that the data being sent is for the correct machine and is coming from the correct management station. It would also allow the unconfigured device to configure itself with the data provided. This would provide a more efficient way to configure remote devices with less user interaction.

Claim 14 discloses the method of claim 1 wherein the step of acquiring comprises the step of checking whether the first parameter is valid. Philippou et al teaches all of the limitation of claim 1 as recited above (figure 2, column 3, 43-50, and column 5, 48-60). If fails to teach of a step of checking whether the first parameter is valid. Ylonen teaches a method to authenticate the parameter that was sent from the management station. Each system will send its public key to the other and the new device will computer the transmitting system's device identifier from the public key and

any other data provided. The new device then compares the computed value with the

known device identifier of the correct management station (column 7, 45-55).

Philippou et al and Ylonen are analogous art because they are both related to

network configurations.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use Ylonen's authentication method and adapt it to work with the

method of configuring a first device as taught by Philippou et al because a method is

provided to the device that is being configured to be able to validate that the data being

sent is for the correct machine and is coming from the correct management station. It

would also allow the unconfigured device to configure itself with the data provided. This

would provide a more efficient way to configure remote devices with less user

interaction.

(10) Response to Argument

<u>Claims 1, 16, and 19</u>

(A)   Applicant argues on pages 8-10, the prior art does not teach that the first

device is embedded in a second device and provides administrative capabilities to the

second device.

As to point (A), Philippou teaches of a box, which can be a computer system,

which contains a processor. The processor, which is the first device, is embedded in

the box, which is considered the second device (figure 2, 205, figure 3, 303, column 3,

lines 42-47, and column 3, line 62 – column 4, line 6). It is widely known in the art that a

processor in a typical computer system as described in Philippou provides

administrative capabilities to the second device (column 4, lines 33-35, 45-49).

(B)   Applicant argues on pages 10-11, the prior art does not teach the claimed

turning-off feature to configure the first device until the first device is in an un-configured

state.

As to point (B), Ylonen teaches that the management station looks for new

devices and if the authentication of the device is negated the device returns to a dummy

state where the device reads identifiers from received packets until it receives its own

configuration message (column 7, lines 1-20, column 9, lines 1-2, 44-67).

(C)   Applicant argues on pages 11-12, the alleged motivation for combining

Philippou and Ylonen is improper. Showing a prima facie case of obviousness fails.

As to point (C), in response to applicant's argument that there is no suggestion to

combine the references, the examiner recognizes that obviousness can only be

established by combining or modifying the teachings of the prior art to produce the

claimed invention where there is some teaching, suggestion, or motivation to do so

found either in the references themselves or in the knowledge generally available to one

of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.

1988)and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case,

Philippou is related to device initializing over a network, Ylonen is related to a network

devices and device installation. Philippou and Ylonen are in the same field of endeavor.

Claims 2, 18, and 21

(D)   Applicant argues on pages 12-13, the prior art does not teach the first

device further provides console capabilities to the second device.

As to point (D), Philippou teaches of a box, which can be a computer system,

which contains a processor. The processor, which is the first device, is embedded in

the box, which is considered the second device (figure 2, 205, figure 3, 303, column 3,

lines 42-47, column 3, and line 62 – column 4, line 6). It is widely known in the art that a

processor in a typical computer system as described in Philippou provides console

capabilities to the second device (column 4, lines 33-35, 45-49).

Claim 3

(E)   Applicant argues on page 13, the prior art does not teach wherein the step

of sending comprising the step of sending the first parameter to a table in the

configuring machine; and obtaining the first parameter from the table.

As to point (E), Philippou teaches the table stores information on the boxes in the

system and allows an administrator to input information into the table which is also to be

sent to the box (figure 4, 401, column 5, lines 26-44).

Claims 5, 17, and 20

(F)   Applicant argues on pages 13-14, the prior art does not disclose that the

device identifier is a media access control address of the claimed first device.

As to point (F), Philippou teaches of using a unique identifier, which includes a

serial number (column 3, lines 16-18). It is widely known in the art that the media

access control address is a unique device identifier. Ylonen further teaches the device

identifier should be understood as something that can be used to identify a network

device which a media access control address does (column 3, line 64 – column 4, line

1).

Claim 6

(G)   Applicant argues on pages 14-15, the prior art does not teach wherein the

first device performing the step of acquiring the first parameter (upon identifying the

device's identifier on the communication channel).

As to point (G), Philippou teaches of a processor in a box receives a parameter

and processes the parameter once acquired (column 5, lines 57-65). The limitation of

upon identifying the device's identifier on the communication channel was not disclosed

in the claim and was not considered.

Claim 7

(H)   Applicant argues on pages 15-16, the prior art does not teach of wherein

the step of acquiring comprises the steps of the second device obtaining the first

parameter, and acquiring the first parameter from the second device.

As to point (H), Philippou teaches of a box, which obtains a parameter, and then

the box allows the processor to acquire the parameter via a bus (Figure 3, 301, column

3, lines 49-53, and column 4, lines 44-49).

Claim 9

(I)   Applicant argues on pages 16-17, the prior art does not teach wherein the

first device communicates with the second device via an interconnect selected from a

group consisting of an input-output interconnect, a peripheral component interconnect

bus, an industry standard architecture bus, and extended industry standard architecture

bus, an infini band, and a personal computer memory card international association

standard.

As to point (I), Philippou teaches of a typical computer system which includes a

bus which is widely known in the art to include any of an input-output interconnect, a

peripheral component interconnect bus, an industry standard architecture bus, and

extended industry standard architecture bus, an infini band, and a personal computer

memory card international association standard (figure 3, 301, column 4, lines 33-36).

Claim 10

(J)   Applicant argues on page 17, the prior art does not teach wherein the

device's identifier is selected from a group consisting of an internet protocol address of

the second device, a media access control address of the second device, and an

asynchronous transfer mode address of the second device.

As to point (J), Philippou teaches of using a unique ID, which includes a serial

number of a box, which is the second device. It is widely known in the art that the

media access control address of the second device is a unique identifier and considered

a serial number of a device. Ylonen further teaches the device identifier should be

understood as something that can be used to identify a network device which a media

access control address does (column 3, line 64 – column 4, line 1).

Claim 4

(K)   Applicant argues on pages 17-18, the prior art does not teach wherein the

first parameter is an internet protocol address and address resolution protocol

command sending the internet protocol address to the table; and a packet internet

groper protocol command obtaining the internet protocol address from the table.

As to point (K), Ylonen teaches including an internet protocol address in a

parameter (column 7, lines 20-29). It is well known in the art that and address

resolution protocol command is used to send to a table and a packet internet groper

protocol command is able to obtain from a table. Ylonen further teaches a device may

obtain its IP address automatically from the network using various methods; use an

address resolution protocol to send IP addresses to a device (column 4, lines 35-42),

and a ping packet can be used to configure a device remotely (column 2, lines 36-41).

Claims 12 and 22

(L)   Applicant argues on page 19, The Final Office Action fails to show that

either Philippou or Ylonen teaches of suggests the combination as asserted and failed

to show it is of general knowledge for such combination.

As to point (L), Ylonen teaches it is desirable to provide a method and apparatus

for loading configuration data into a network device in a reliable, easy-to-use manner

from a network management station (column 2, lines 58-63) to prevent attacks on a

network (column 3, lines 3-7).

Claims 13 and 23

(M)   Applicant argues on pages 19-20, the prior art does not teach the step of

sending a command with the first parameter in a packet, the command being executed

in the first device and The Final Office Action failed to show that either Philippou or

Ylonen teaches of suggests the combination as asserted and failed to show it is of

general knowledge for such combination.

As to point (M), Ylonen teaches of a configuration packet, which will typically

contain the new device's device identifier, the device's IP address, netmask, default

gateway, and the management station's IP address and device identifier and or public

key. It may also contain information for setting up verification of the packet from the

correct management station (column 7, lines 20-29). The command in the packet is the

information for setting up a shared secret, which is processed by the processor

embedded in the box. Ylonen teaches it is desirable to provide a method and apparatus

for loading configuration data into a network device in a reliable, easy-to-use manner

from a network management station (column 2, lines 58-63) to prevent attacks on a

network (column 3, lines 3-7).

Claim 14

(N)   Applicant argues on pages 20-21, The Final Office Action fails to show

that either Philippou or Ylonen teaches of suggests the combination as asserted and

failed to show it is of general knowledge for such combination.

As to point (N), Ylonen teaches it is desirable to provide a method and apparatus

for loading configuration data into a network device in a reliable, easy-to-use manner

from a network management station (column 2, lines 58-63) to prevent attacks on a

network (column 3, lines 3-7).

Claim 15

(O)   Applicant argues on page 21, the prior art does not teach turning-off a feature to configure the first device until the first device is in an un-configured state; wherein the first device is embedded in a second device and selected from a group consisting of a device providing tools managing the second device; a device providing mirror capabilities to the second device; a device providing interactions between the second and a third device; and a device providing console capabilities to the second device.

As to point (O), Ylonen teaches that the management station looks for new devices and if the authentication of the device is negated the device returns to a dummy state where the device reads identifiers from received packets until it receives its own configuration message (column 7, lines 1-20, column 9, lines 1-2, 44-67). Philippou teaches of a box, which can be a computer system, which contains a processor. The processor, which is the first device, is embedded in the box, which is considered the second device (figure 2, 205, figure 3, 303, column 3, lines 42-47, column 3, and line 62 – column 4, line 6. It is widely known in the art that a processor in a typical computer system as described in Philippou provides administrative capabilities to the second device (column 4, lines 33-35, 45-49).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

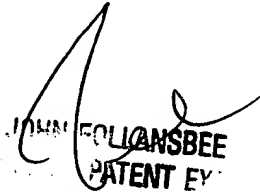For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Brian Gillis
Examiner
Art Unit 2141
BJG

Conferees:

Rupal Dharia

John Follansbee

SUPF~ JOHN FOLLANSBEE
T~ PATENT EY
TL. ...GY CENTE~

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER